

OCT 13 2009

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE COVARRUBIAS VALDIVIA; et  
al.,

Petitioners,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-72641

Agency Nos. A095-395-317  
A095-395-625

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted September 14, 2009\*\*

Before: SILVERMAN, RAWLINSON and CLIFTON, Circuit Judges.

Jose Covarrubias Valdivia and Ericka Tapia Ramirez, husband and wife,  
seek review of a Board of Immigration Appeals order denying their motion to  
reopen removal proceedings. We dismiss the petition for review.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

We lack jurisdiction to review the Board's denial of petitioners' motion to reopen, which introduced further evidence of hardship to their United States citizen son. *See Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) (explaining that § 1252(a)(2)(B)(i) bars jurisdiction where question presented in motion to reopen is essentially the same unreviewable discretionary issue originally decided).

Our conclusion that we lack jurisdiction to review the Board's denial of reopening forecloses petitioner's argument that the Board denied failed to meaningfully review and analyze the issues raised in the motion. *See Fernandez*, 439 F.3d at 603-04.

**PETITION FOR REVIEW DISMISSED.**